IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Bail Appl..No. 3919 of 2007()

CRIME NO. 271/07 OF CHAVAKKAD POLICE STATION
CMP.5481/2007 of J.M.F.C.,CHAVAKKAD

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PETITIONERS/ACCUSED NOS. 1 TO 4

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1. ANAS, S/O.HASSAN, MAKKINTAPURAKKAL HOUSE, THIRUVATHRA DESOM, CHAVAKKAD TALUK, THRISSUR DISTRICT.

2. MUHASIN T.S., S/O.SAIDU MUHAMMED, THERUVATH HOUSE, ERATTUPUZHA DESOM, BLANGDU, CHAVAKKAD TALUK, THRISSUR DISTRICT.

3. SHARAFUDHEEN C.K., S/O.KUNHI BEERAN, CHILLIKKAL HOUSE, P.O.CHAVAKKAD, CHAVAKKAD TALUK, THRISSUR DISTRICT.

4. FASALUDHEEN T.M., S/O.MUHAMMAD, THONDAMPIRI HOUSE, MANATHALA BEACH, P.O.CHAVAKKAD, CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE SUB INSPECTOR OF POLICE, CHAVAKKAD POLICE STATION, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3919 of 2007

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Dated this the 2nd day of July, 2007

O R D E R

Application for regular bail. The petitioners are accused 1, 4, 5 and 6 in a crime registered, inter alia, under Sections 307 and 324 I.P.C. The alleged incident took place on 29.4.2007. As a retaliation against an earlier incident, which took place in the course of a Foot Ball match, the petitioners are alleged to have obstructed the injuries persons, who are proceeding in a vehicle and unleashed an attack on them with dangerous weapons. The rival contestants belong to Congress and NDF. The petitioners were arrested on 15.6.2007 and they continue in custody from that date.

2. The learned counsel for the petitioners submits that the allegation under Section 307 I.P.C. has been raised in an exaggerated manner only to ensure that the petitioners are denied bail as long as possible. No serious injury has been suffer by the victims. Even going by the prosecution case, an incident in the Foot Ball match is the alleged provocation. It is not necessary to insist on continued detention of the petitioners, submits the learned counsel for the petitioners.

3. The learned Prosecutor opposes the application. Release of the petitioners on bail at this stage would certainly trigger an uncontrollable law and order situation. In these circumstances they may not be enlarged on bail, submits the Prosecutor. The learned Prosecutor was requested to read over to this court the injury suffered by the victims, two in number.

4. Having considered all the relevant inputs, I am satisfied that this is a fit case where the petitioners can be enlarged on bail subject to appropriate conditions, which would allay the apprehension of the Prosecutor.

5. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) They shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) They shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays for a

period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) The petitioners shall not enter the jurisdiction of Chavakkad Police Station for a period of two months from the date of their release, except for the purpose of complying with condition No.(b) above.

(R. BASANT)
Judge

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